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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,725	09/04/2003	Surya K. Goli	PF-0233-2 CON	4792

22428 7590 06/30/2006

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EXAMINER	
PAK, MICHAEL D	

ART UNIT	PAPER NUMBER
1646	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,725	GOLI ET AL.	
	Examiner	Art Unit	
	Michael Pak	1646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-55 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-55 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-2 and 17-18, drawn to a substantially purified cytokine/steroid receptor protein and a pharmaceutical composition, classified in Class 530, subclass 350.

II. Claims 3-7, 9-10, 12-13 and 17, drawn to an isolated and purified polynucleotide, a hybridization probe, an expression vector, a host cell, a method for producing a polypeptide, and a method for detection of a polynucleotide encoding a cytokine/steroid receptor, classified in Class 435, subclass 69.1.

III. Claim 8, drawn to a transgenic organism, classified in Class 800, subclass 2.

IV. Claim 11, 31-32, 34, 36-43, drawn to a purified antibody, classified in Class 530, subclass 387.1.

V. Claim 14-15 and 46, drawn to a method of detecting a target polynucleotide with hybridization probe, classified in Class 435, subclass 6.

VI. Claim 16, drawn to a method of detecting a target polynucleotide with amplification, classified in Class 435, subclass 91.2.

VII. Claim 19, drawn to a method for treating a disease by administering a pharmaceutical composition comprising cytokine/steroid receptor, classified in Class 514, subclass 2.

VIII. Claim 20, drawn to a method screening a compound agonist, classified in Class 435, subclass 7.1.

IX. Claims 21, drawn to a composition comprising an agonist, classification could not be determined because no structure is provided.

X. Claims 22, drawn to a method for treating a disease by administering an agonist, classification could not be determined because no structure is provided.

XI. Claim 23, drawn to a method screening a compound antagonist, classified in Class 435, subclass 7.1.

XII. Claims 24, drawn to a composition comprising an antagonist, classification could not be determined because no structure is provided.

XIII. Claims 25, drawn to a method for treating a disease by administering an agonist, classification could not be determined because no structure is provided.

XIV. Claim 26, drawn to a method screening a compound that bind, classified in Class 435, subclass 7.1.

XV. Claim 27, drawn to a method screening a compound that modulates, classified in Class 435, subclass 7.1.

XVI. Claim 28, drawn to a method screening a compound that alter expression of polynucleotide, classified in Class 435, subclass 7.2.

XVII. Claim 29, drawn to a method screening for potential toxicity, classified in Class 435, subclass 7.6.

XVIII. Claim 30, 44 and 45 drawn to a method of diagnostic test, classified in Class 436, subclass 517.

XIX. Claim 33 and 35, drawn to a method of diagnosing a condition by administering antibody, classified in Class 424, subclass 130.1.

XX. Claim 46 and 48-55, drawn to a microarray, classified in Class 204, subclass 182.8.

The inventions are distinct, each from the other because of the following reasons.

The products of any one of the inventions I-IV, IX, XII and XX, are distinct each from the other, because they are drawn to products having materially different structures and functions.

Inventions V-VIII, X-XI, and XIII-XIX are distinct, each from the other, because they are drawn to processes having materially different process steps, which are practiced for materially different purposes.

The products of inventions I-IV, IX, XII and XX, and the process of invention V-VIII, X-XI, and XIII-XIX are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the alternative inventions I-IV, IX, XII and XX can be used in the alternative processs of Group V-VIII, X-XI, and XIII-XIX.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their different classifications and recognized divergent subject matter, and the search required for any one of inventions

I-XX is not required for any other invention I-XX, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. §1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pak whose telephone number is 571-272-0879. The examiner can normally be reached on 8:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Pak
Primary Patent Examiner
Art Unit 1646
19 June 2006